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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,022	01/20/2004	Hidefumi Kaneko	P24449	6851

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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER

GRAY, DAVID M

ART UNIT PAPER NUMBER

2851

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,022

Applicant(s)

KANEKO ET AL.

Examiner

David M. Gray

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-18 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 9 is/are rejected.
- 7) ☒ Claim(s) 5-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04-27-2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Drawings

The drawings are objected to because the drawing figures are speckled. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suda et al.

Suda et al. discloses a “superimpose-plate for a view finder, said superimpose-plate being put on a focusing glass [figure 4] on which a subject image obtained through the photographing optical system is formed [figure 1], said superimpose-plate and said focusing glass being provided in an incident opening of a [hollow pentagonal mirror]” pentagonal prism. The superimpose plate of Suda et al. includes “a plurality of micro-prisms [5a-5e, col 2, lns 53-68] that are formed on said super-impose plate; each of said micro-prisms showing a triangle in a cross-section [figure 9], the vertical angle of said triangle being identical in each of said micro-prisms [figure 9], a ridgeline of each of said micro-prisms being parallel to the right-left direction of a picture plane of said view finder [figure 4].”

Thus Suda et al. differs from the claimed invention as Suda et al. discloses a solid pentagonal prism and not the claimed “hollow pentagonal mirror.” A solid pentagonal prism and a hollow pentagonal mirror are well known equivalents. It would have been obvious to one of ordinary skill at the time of applicant's invention to substitute the known hollow pentagonal mirror for the pentagonal prism. One would have been motivated to substitute a “hollow pentagonal mirror” for the pentagonal prism of Suda et al. in order to reduce weight of the camera.

Regarding claim 2, Suda et al. discloses “groups corresponding to a mark to be indicated in said picture plane of said view finder [figure 4].”

Regarding claim 3, Suda et al. discloses “micro-prism group comprises a relatively large first micro-prism [top and bottom of elements 5a-5e as shown in figure 4] and a relatively small second micro-prism [side elements of 5a-5e as shown in figure 4].”

Regarding claim 4, Suda et al. discloses “micro-prism group is composed of micro-prisms having the same shape and size [the shape and size of each side element is the same, the shape and size of each top and bottom element is the same, and the shape and size of all of the elements of one group is the same as the shape and size of all of the elements of any other group].”

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al.

Suzuki et al. discloses a “superimpose-plate for a view finder [6], said superimpose-plate being put on a focusing glass [5] on which a subject image obtained through the photographing optical system is formed [figure 1], said superimpose-plate and said focusing glass being provided in an incident opening of a [hollow pentagonal mirror]” pentagonal prism 8. The super-impose plate of Suzuki et al. includes “a plurality of micro-prisms [17, col 4, lns 24-43] that are formed on said super-impose plate; each of said micro-prisms showing a triangle in a cross-section [figures 3a-6], the vertical angle of said triangle being identical in each of said micro-prisms [figures 3a-6], a ridgeline of each of said micro-prisms being parallel to the right-left direction of a picture plane of said view finder [figure 2].”

Thus Suzuki et al. differs from the claimed invention as Suzuki et al. discloses a pentagonal prism and not the claimed “hollow pentagonal mirror.” A pentagonal prism and a hollow pentagonal mirror are well known equivalents. It would have been obvious to one of ordinary skill at the time of applicant's invention to substitute the known hollow pentagonal mirror for the pentagonal prism. One would have been motivated to substitute a “hollow

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pentagonal mirror” for the pentagonal prism of Suzuki et al. in order to reduce weight of the camera.

Regarding claim 2, Suzuki et al. discloses “said plurality of micro-prisms form a micro-prism group [17], each said micro-prism groups corresponding to a mark to be indicated in said picture plane of said view finder [figure 2, col 3, lns 50-54].”

Regarding claim 3, Suzuki et al. discloses “micro-prism group comprises a relatively large first micro-prism [top and bottom of elements of 17 as shown in figure 2] and a relatively small second micro-prism [side elements of 17 as shown in figure 2].”

Regarding claim 4, Suzuki et al. discloses “micro-prism group is composed of micro-prisms having the same shape and size [the shape and size of each side element is the same, the shape and size of each top and bottom element is the same].”

Regarding claim 9, Suzuki et al. discloses the “micro-prisms project from a lower surface of said super-impose plate”

Allowable Subject Matter

Claims 10-18 are allowed.

Claims 5-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not disclose or suggest "micro-prism is a slender trapezoid" in combination with the remaining claim elements as set forth in claim 5.

The prior art does not disclose or suggest "micro-prism is at a slant relative to the surface" in combination with the remaining claim elements as set forth in claims 6-8.

The prior art does not disclose or suggest "said micro-prism group having a first prism row ... and a second prism row ... said first prism row and said second prism row being arranged alternately in a vertical direction" in combination with the remaining claim elements as set forth in claims 10-18.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M. Gray whose telephone number is 571-272-2119. The examiner can normally be reached on M-T 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'D. Gray', with a large, stylized loop at the end.

David M Gray
Primary Examiner
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